

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:08-CR-0155-01</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>EDWARD MONTGOMERY,</b>	:	

**ORDER**

AND NOW, this 22nd day of June, 2010, upon consideration of the document filed by defendant Edward Montgomery (“Montgomery”) on June 21, 2010 entitled “The Policy of Rule of Lenity,” wherein Montgomery argues that the United States Sentencing Guidelines governing cocaine base are unconstitutional, and it appearing that Montgomery is represented by counsel but filed the instant document without assistance therefrom, see McKaskle v. Wiggins, 465 U.S. 168, 183 (1984) (holding that a criminal defendant has no right to “hybrid representation”); see also United States v. Vampire Nation, 451 F.3d 189, 206 n.17 (3d Cir. 2006) (same), it is hereby ORDERED that the document entitled “The Policy of Rule of Lenity” is CONSTRUED as a motion to invalidate the United States Sentencing Guidelines and is DENIED without prejudice to Montgomery’s right to file a motion seeking similar relief with the assistance of counsel.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge